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COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE JUNE 10, 1991 **FILE NO.** 091-04977-0178-058

C- ADW ON A PEACE OFFICER - 245 (C) P.C./DEPUTY INVOLVED SHOOTING **Action Taken** INVESTIGATION CONDUCTED/EVIDENCE HELD/ WITNESSES INTERVIEWED/ CRIMINAL COMPLAINT SOUGHT

V- **#1 GREENE, RONALD MW/24**, DEPUTY SHERIFF, #[redacted]
#2 GALLAGHER, LIAM MW/33, DEPUTY SHERIFF, #[redacted]

D- 06-07-91, 1915 HOURS (FRIDAY)

L- [redacted] WALNUT STREET, HUNTINGTON PARK (WALNUT PARK DISTRICT)

S#1- ARRESTED: **ROSANDEZ, LUCIANO MH/21**, DOB: 07-13-70
DETAINED: FIRESTONE SHERIFF'S STATION, BOOKING NO. 2590324
ARRAIGNMENT: HOMICIDE BUREAU

S#2- ARRESTED: **RUBALCAVA, JOSE ESCQUEDA MH/26**, DOB: 07-04-64
DETAINED: FIRESTONE SHERIFF'S STATION, BOOKING NO. 2589948
ARRAIGNMENT: HOMICIDE BUREAU

S#3- ARRESTED: **OREYNO, MARIO ALBERTO MH/20**, DOB: 05-10-71
AKA: "URENA, MARIO"
DETAINED: L.C.M.C., BOOKING NO. 2590737
ARRAIGNMENT: HOMICIDE BUREAU

S#4- ARRESTED: **HEREDIA, JESUS MH/21**, DOB: 07-20-69
DETAINED: FIRESTONE SHERIFF'S STATION, BOOKING NO. 2589977
ARRAIGNMENT: HOMICIDE BUREAU

S#5- ARRESTED: **RUBALCABA, ANTONIO MH/21**, DOB: 11-27-69
DETAINED: FIRESTONE SHERIFF'S STATION, BOOKING NO. 2589987
ARRAIGNMENT: HOMICIDE BUREAU

S#6- ARRESTED: **RUVALCABA, JESUS RODRIGUES MH/19**, DOB: 10-10-72
DETAINED: FIRESTONE SHERIFF'S STATION, BOOKING NO. 2590000
ARRAIGNMENT: HOMICIDE BUREAU

S#7- ARRESTED: **PEREZ, RAUL VALADEZ MH/52**, DOB: 07-02-48
DETAINED: FIRESTONE SHERIFF'S STATION, BOOKING NO. 2589990
ARRAIGNMENT: HOMICIDE BUREAU

S#8- ARRESTED: **RUBALCABA, ALFREDO ESGEDEDA MH/31**, DOB: 08-04-59
DETAINED: FIRESTONE SHERIFF'S STATION, BOOKING NO. 2589949
ARRAIGNMENT: HOMICIDE BUREAU

EVIDENCE HELD:

Item # 1 - One (1) expended cartridge case ("WIN"), 9mm "Luger", located 37 feet north of the north end of the hallway and 3 inches west of the east wall of the hallway (at the north edge of the entrance to Apartment [redacted]).

Item # 2 - One (1) expended cartridge case ("WIN"), 9mm "Luger", located 47.7 feet north of the north end of the halllway and 2.5 feet west of the east wall of the hallway.

Item # 3 - One (1) expended bullet, located in the doorjamb latching area on the north frame of the entranceway to Apartment [redacted], further described as being located 2.10 feet above floor level.

Item # 4 - One (1) check stub dated 06-07-91 for Antonio Rubalcaba, located on the hallway floor in front of Apartment [redacted].

Item # 5 - One (1) microphone with a broken cord.

Item # 6 - A wooden stick, 38 inches long and 1 1/2 inches in diameter.

Item # 7 - One (1) pair of grey jeans and one (1) pair of tan boots belonging to Suspect Oreyno.

Item # 8 - One (1) black wallet containing identification in the name of Mario Alberto Robles Urena (Suspect Oreyno). One (1) ring containing three keys and U.S. currency totalling $30.25, located in the clothing belonging to Suspect Oreyno (Evidence Item #7).

Item # 9 - One (1) blood sample from Suspect Oreyno.

Item #10 - One (1) pistol, Beretta, Model 92F, Serial #BER[redacted]Z, one (1) clip, and 14 rounds of live "WIN", 9mm "Luger" ammunition, belonging to Deputy Gallagher.

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On Friday, 06-07-91, at approximately 1938 hours, Investigators were detailed to investigate the deputy involved shooting that occurred at [redacted] Walnut Street in the Walnut Park District, in the unincorporated area of Firestone Station.

Investigators arrived at the location at 2030 hours, and contacted deputies in charge of security at the crime scene. Deputies **SCOTT WOLF**, #[redacted] and **MARK HIX**, #[redacted] of Firestone Patrol Unit #13, related to Investigators they arrived at the scene in response to "deputies need assistance" and assisted in the arrest of the suspects. The crime scene was then secured awaiting the arrival of Investigators.

Deputy Wolf further explained that Deputies Gallagher and Greene had been in the first floor hallway of the apartment building at [redacted] Walnut Street and they were in the process of arresting Suspect Rosandez for drinking in public and evading arrest. In the process of handcuffing Suspect Rosandez, they got one cuff on his wrist and he broke free, starting to fight with them. During the time they were in the hallway trying to overcome Suspect Rosandez resistance, seven male occupants of Apartment [redacted] became involved in the assault against the deputies.

Deputy Wolf related that one of the suspects from Apartment [redacted] had grabbed a hold of Deputy Gallagher's cord to his radio microphone and had torn the microphone and cord from the radio, disabling it. At the same time, other suspects had grabbed hold of Suspect Rosandez and Deputy Greene and pulled them into Apartment [redacted], closing and locking the door.

Deputy Gallagher attempted to gain entry into the apartment by kicking the door, but was not able to do so. He could hear scuffling going on inside of the apartment and feared for his partner's safety. He used his service weapon to fire two rounds into the locking mechanism door handle area of the door and was able to gain entry. Deputies Gallagher and Greene then held the eight suspects at gunpoint until assisting units arrived. Assisting units then took the suspects into custody.

Suspect Oreyno was found to have a gunshot wound to his right knee area and was taken to Martin Luther King Hospital for treatment. Suspects Rosandez and Alfredo Rubalcaba were also taken to Martin Luther King Hospital to be checked, due to minor injuries received during the altercation in Apartment [redacted]. The remaining suspects were taken to the Firestone Sheriff's Station for booking. Deputies then secured the crime scene, awaiting the arrival of Homicide Investigators.

During this time, deputies also checked with all of the other tenants in the building in an attempt to locate anyone who may have observed the incident. Of all the tenants, deputies contacted one who stated she had been in the hallway when the incident occurred. She was interviewed and her interview will be detailed in a supplementary report under this file by Deputies Smith, #[redacted] and Allen, #[redacted]

Deputy Wolf further stated that two rolls of 35mm film had been used to take photographs of the scene by Deputy Smith and Allen and that a wooden stick (Evidence Item #6) had been recovered from the suspect's apartment and was involved in the assault against Deputy Greene. Deputy Wolf also related that a microphone and cord (Evidence Item #5) had also been recovered from the floor of Apartment [redacted], just inside of the doorway, and was taken to the Firestone Sheriff's Station awaiting the arrival of Investigators.

Investigators were assisted by Homicide Investigator Sergeant Don Garcia and Investigator Gerry Biehn. Also present was Deputy Lowry from Sheriff's Criminalistics Laboratory, Latent Prints Section, and Sergeant Moltman. Art Staff Employee Diane Graham was there to diagram the scene. Members of Internal Affairs Bureau Lieutenant Dennis Burns, Sergeants Ray Marlett and Tom Bradstock were present. Members of the District Attorney's Office, Officer Involved Shooting Team, were there, which included Deputy District Attorney Joseph Shidler and Investigator [redacted].

Investigators noted the location to be a [redacted] apartment building located on the south side of Walnut Street and that Walnut Street is a east/west street. On the north side and directly north of the apartment complex is the back of businesses and a parking area for those businesses. The entrance to the apartment complex is in the center of the building facing Walnut Street and is accessible from the south sidewalk of Walnut Street. The first floor hallway is further described as running north and south down the center of the apartment complex with apartments located on each side of the hallway. The rear, or south end of the hallway, has a rear door that exits into the back of the building to a small dirt area that is accessible from both sides of the building and Walnut Street.

Investigators noted a Sheriff's black and white patrol unit parked in front of the front door of the apartment complex in the street. The unit was marked as #467 and was stated to have been the unit driven by the deputies involved, Gallagher and Greene. The patrol car was parked at the location prior to them entering the building and attempting to arrest Suspect Rosandez. In the patrol car, Investigators found items belonging to Deputies Gallagher and Greene, including a flashlight on the dashboard, passenger side, belonging to Deputy Greene and a nightstick, PR24, in the trunk of the vehicle, belonging to Deputy Gallagher.

Entering the front of the apartment building and walking approximately 1/3 of the way, south in the hallway towards the rear of the building, Investigators came to entrance to Apartment [redacted], located on the east side of the hallway. Directly across from Apartment [redacted] was the entrance to Apartment [redacted] on the west side of the hallway. Located on the hallway floor near the north side of the doorway to Apartment [redacted], Investigators located Evidence Item #1, an expended 9mm cartridge case.

Investigators further observed a paycheck stub (Evidence Item #4) for Antonio Rubalcaba laying on the hallway floor in front of the door to Apartment [redacted]. Further south in the hallway, approximately 10 feet south of the entrance to Apartment [redacted] and in the center portion of the hallway, Investigators observed Evidence Item #2, an expended 9mm cartridge case. Investigators observed that there was bullet damage to the doorknob, lock area, of the door to Apartment [redacted] and corresponding damage to the north edge of the doorjamb for that door. In the area of this damage to the doorway, Investigators observed Evidence Item #3, an expended bullet. After examination of the damage to the door, it appeared one bullet had struck the door near the doorknob and had passed through the door entering the interior of the apartment travelling in a downward direction, south to north. A second area of damage revealed that a bullet had struck the doorknob area, pass through the north edge of the door and into the doorjamb area near the locking mechanism. The bullet (Evidence Item #3) was still in this location.

Entering Apartment [redacted], Investigators noted the apartment consisted of a living room area, a closet area on the north side of the room with an adjacent bathroom and a kitchen on the south side of the apartment. Investigators further noted the front door of the apartment was located in the center of the west wall of the living room. To the right of the front door located along the south wall of the apartment was a sofa. At the end of the sofa and located in the southeast corner of the living room was the entrance to the kitchen. There were windows located on the east wall of the living room. To the left, as you enter the front door, was the north wall of the living room. There is an entrance to a closet area in the north wall and towards the northeast corner of the north wall was an entrance to the apartment's bathroom. There was some evidence of struggle in the living room area, as some items of furniture appeared to be out of place and turned over. There were dark stains on the center cushion of the sofa located against the south wall of the living room that was possibly blood. Investigators also noted in the hallway on the west wall, at a height of approximately five feet, just south of the entrance to Apartment [redacted], was an area of staining that appeared to blood.

Investigators requested Deputy Lowry to photograph the scene and location of evidence items prior to recovery. Art Staff member Diane Graham was requested to draw a diagram of the scene, including the location of evidence items prior to recovery. Art Staff member Diane Graham then made a drawing of the scene and assisted Investigators in taking measurements to where evidence items were located. Evidence Items #1 and #2, cartridge casings; Evidence Item #3, bullet; and Evidence Item #4, a check stub, were then recovered by Investigators and held for further investigation.

Members of the District Attorney's Investigation Team and the Sheriff's Internal Affairs Bureau were escorted through the crime scene and given an access to the information obtained by Investigators at that time.

On 06-07-91 at 2230 hours, Investigator Gibson conducted an interview with Witness [redacted], FH/23, at her apartment at the location (Apartment [redacted]), located on the first floor, [redacted] of the building.

Ms. [redacted] stated she has lived at her residence with her three small children since January of [redacted]. Ms. [redacted] stated although she personally has had no problems with the five to six male occupants of Apartment [redacted], she is aware they drink beer in public and congregate on the front porch of the apartment building.

On 06-07-91 at approximately 1930 hours, she was standing in the doorway of her apartment talking with her neighbor, [redacted], who lives across the hall in Apartment [redacted]. Ms. [redacted] stated she saw Suspect Rosandez come into the apartment building through the back door and passed by her and [redacted] as he walked northbound down the hallway. When he saw Ms. [redacted], he stopped to briefly talk with her. Suspect Rosandez was very drunk and had trouble walking and he told [redacted] he was from "East L.A. Trece". Suspect Rosandez then "gave the finger" and said, "Fuck you", and directed the gesture and the words towards the north portion of the apartment building. When Ms. [redacted] looked north down the hallway, she saw a Sheriff's patrol car parked in front of the building on Walnut Street.

Approximately one minute later, a uniformed deputy sheriff came into the hallway through the rear door and approached Suspect Rosandez from behind. Suspect Rosandez was surprised when the deputy put his hands behind his back and started to walk him northbound down the hallway to the front of the building. Ms. [redacted] noticed that another uniformed deputy sheriff had come into the hallway and was walking southbound towards his partner and Suspect Rosandez.

As the deputies and Suspect Rosandez got to the hallway area near Apartment [redacted], Suspect Rosandez started struggling with the deputies. During the struggle, it was Ms. [redacted]' impression that the deputies were hitting Suspect Rosandez with a flashlight in the arm and stomach.

While struggling with Suspect Rosandez in front of Apartment [redacted], someone in Apartment [redacted] opened the door and told the deputies in Spanish, "Leave him alone, he's done nothing." It was Ms. [redacted]' impression that there were two deputies in the hall

struggling with Suspect Rosandez when the door to Apartment [redacted] slammed shut. Ms. [redacted] stated she then went to Apartment [redacted] and called 9-1-1 and told the Firestone Station desk that two deputies needed help. Ms. [redacted] stated she did not hang up the telephone. She then went back out into the hallway and claimed she saw no one there. She then went back into Apartment [redacted].

Ms. [redacted] stated she then heard two gunshots. She ran out into the hallway to get her children and saw the two deputies standing in the hallway by Apartment [redacted]. She did not see Suspect Rosandez. She then dialed 9-1-1 again and told the Firestone Station desk that gunshots had been fired and to send help. After making the telephone call, she again looked into the hallway and the deputies yelled at her to go back into the apartment.

On 06-07-91 at 2300 hours, a tape-recorded statement was taken from Witness [redacted]. Present for this interview was Investigator J. Gibson, Sergeant Tom Bradstock from Internal Affairs Bureau, Investigator [redacted] from the District Attorney's Office, and Deputy District Attorney Joseph Shidler.

During this statement, Ms. [redacted] changed her story. She stated that after her first 9-1-1 call from the telephone located in Apartment [redacted], when she requested help for the two deputies, she remained in the apartment, but did not hang up the telephone. While in Apartment [redacted], she heard two gunshots, ran out into the hallway to grab her children, then again called 9-1-1. Ms. [redacted] stated that although she did not hang up the telephone after the first 9-1-1 call, the phone had been disconnected. When Ms. [redacted] went into the hallway to grab her children, she saw one Deputy Sheriff standing in the hallway in front of Apartment [redacted]. After calling 9-1-1 the second time, she then went back into the hallway and saw the same Deputy Sheriff standing in front of Apartment [redacted]. The Deputy Sheriff yelled at her to go inside the apartment and she complied. She added she did not see Suspect Rosandez at any time.

The interview with Witness [redacted] was terminated at 2310 hours. Her statement will be transcribed and become a permanent part of this file.

Due to Witness [redacted]' statement that she had used the telephone in Apartment [redacted], Investigators contacted Witness [redacted], FH/28, in Apartment [redacted]. [redacted] did not speak English and Sergeant Riggs was assisted by Sergeant Ray Marlett from Sheriff's Internal Affairs Bureau in interviewing Mrs. [redacted] in Spanish. The interview was conducted on 06-07-91 at 2330 hours.

Witness [redacted] stated that Suspect Rosandez was not known to her prior to this incident and she did not know him to live in the apartment building, but felt that he had some association with the five to six individuals that she knew to reside in Apartment [redacted]. She stated that on this evening, she observed Suspect Rosandez coming from the front of the apartment building towards the rear in the hallway. She was standing in her doorway and he had stopped and was talking to her neighbor in Apartment [redacted]. A Deputy Sheriff entered the rear of the apartment building, came up behind the suspect, placed his hands behind his back and started walking him north through the hallway towards the front door. As they reached an area near Apartment [redacted], she observed another

Deputy Sheriff enter the front of the building and to meet them at that location.

Her neighbor, [redacted], had asked to use her telephone and entered her apartment to use the telephone, during the time the deputies had the suspect detained in the hallway near Apartment [redacted]. Mrs. [redacted] stated she did not hear any conversation between the suspect and the deputies, but does not recall for sure and does not understand English. Mrs. [redacted] stated in Spanish that the deputies started fighting with the suspect and that they were hitting him with some type of club. She stated that during this altercation, she observed the deputies to enter Apartment [redacted] and then heard some gunshots.

During this conversation, Sergeant Ray Marlett had indicated that he was having difficulty in translating all of the Spanish words that the witness was using. Due to this, this interview was terminated and arrangements were made for Witness [redacted] to be interviewed later by Sergeant Don Garcia.

Deputies from the Firestone Sheriff's Station brought to the scene and released to Investigators, Evidence Item #5, microphone and broken cord from Deputy Gallagher. Deputies indicated that the microphone and cord were recovered from the apartment floor, just inside of the front door and in front of the sofa located against the south wall of the living room.

Investigators then secured the crime scene and responded to the Firestone Sheriff's Station at approximately 0030 hours on 06-08-91, for further investigation of this incident.

Sergeant Don Garcia and Investigator Gerry Biehn had responded to Martin Luther King Hospital and interviewed Suspects **ROSANDEZ** and **OREYNO**. A supplementary report detailing the interviews of the suspects will be completed by Sergeant Garcia and Investigator Biehn and will become a permanent part of this file.

Sergeants Riggs and Garcia returned to [redacted] Walnut Street to re-interview Witness [redacted] at 0100 hours on 06-08-91. Sergeant Garcia interviewed the witness in Spanish and translated it to English for Sergeant Riggs.

Witness [redacted] stated that she had heard a knock on her door and answered it. It was her neighbor from across the hall, [redacted]. [redacted] asked to use her telephone for a local call to her mother. At the same time, she had observed Suspect Rosandez standing in the hallway talking with [redacted]. [redacted] then entered Witness [redacted] apartment and Witness [redacted] then observed a Deputy Sheriff in full uniform enter the rear door of the hallway and come up behind the suspect, who was standing facing the front or north end of the hallway. The deputy placed the suspect's hands behind his back and started walking him towards the front door. At the same time, a second deputy had entered the front door of the apartment complex and was walking south down the hallway. The deputies and suspect met in an area just south of the entrance to Apartment [redacted].

Witness [redacted] doesn't remember for sure if the deputy said anything to the suspect and she cannot understand English. She also does not think the suspect had said anything to the deputies. Witness [redacted] stated that while the deputies and suspect were standing in

the hallway near Apartment [redacted], she observed the suspect to curl into a ball and fall to the floor in the hallway and that the deputies appeared to be struggling with him. She observed the deputies to kick him approximately twice and hit him about three times with a medium size stick or club. She held her hands to describe the size of this club or stick and indicated it was approximately eight to twelve inches in length and black in color.

She did not see what happened next completely, as the suspect was now gone from the hallway and that it looked like one of the deputies had gone into Apartment [redacted]. She caught a glimpse of him going in that direction, but because of the fire break doorway in between her apartment and Apartment [redacted], she was unable to see the east side of the hallway or the entrance to Apartment [redacted]. She then observed the one deputy remaining in the hallway take out his gun and shoot twice towards the door of Apartment [redacted]. At this point, due to the gunfire, she became concerned about her children, who were standing in the hallway, and took them into the apartment, closing the door. She did not see anything else of the incident.

At the conclusion of this interview, a tape-recorded statement was taken from Witness [redacted] in Spanish by Sergeant Don Garcia. This recording will be retained under this file.

Sergeants Don Garcia and Riggs returned to the Firestone Sheriff's Station, continuing the investigation. Sergeant Don Garcia and Investigator Gerry Biehn interviewed the suspects at the Firestone Sheriff's Station. A supplementary report detailing their interviews of the suspects will be completed by them and become a permanent part of this file, including the tape-recorded statements.

On 06-08-91 at 0100 hours, Investigators interviewed Deputy **RONALD GREENE** at the Firestone Sheriff's Station. Deputy Greene indicated that on 06-07-91, he was working the p.m. shift ([redacted] hours) with Deputy Liam Gallagher. They were assigned to Firestone Patrol Unit 11 P.M's. Deputy Greene was the bookman and Deputy Gallagher was the driver. During this shift, they had a civilian observer ride-along, [redacted], MH/19.

Deputy Greene stated while on routine patrol, westbound on Walnut Street from Seville Avenue, he saw 10 to 11 male Hispanics drinking in public on the front porch area at [redacted] Walnut Street. These individuals were also screaming and yelling, creating a disturbance. Before attempting to contact these individuals regarding their behavior, Deputy Greene's attention was drawn to two males standing in the rear parking lot of the Ramundo Bar, located on Florence Avenue, which is one block of Walnut Street. Having made prior narcotics arrests at that location, Deputy Greene and his partner decided to check out these two individuals before contacting the men who were drinking in public.

Deputies Greene and Gallagher parked their patrol car in a driveway west of the bar, then walked to the rear of the bar. The two individuals had already entered the bar, so Deputies Greene and Gallagher went inside, did a bar check and contacted the two men they had seen at the rear of the bar. They spoke to these two men and within five minutes Deputies Greene and Gallagher walked back to their patrol car.

Deputies Greene and Gallagher then exited the driveway and drove eastbound on Walnut Street, looking back towards the bar's rear parking lot. At this time, they observed a suspicious vehicle which was backing out of a parking stall. The deputies entered the parking lot to check out the vehicle's occupants. Upon discovering the vehicle contained several small children, as well as a male driver, the deputies felt there was no criminal activity and then drove out of the parking lot, eastbound on Walnut Street towards Seville Avenue.

As they drove out of the parking lot, facing in a southeast direction, Deputy Greene again observed the 10 to 11 males drinking in front of [redacted] Walnut Street. A male, who was centered in the front doorway, later identified as Suspect Rosandez, "flipped them off" and yelled in a loud voice, "Fuck you." Suspect Rosandez had a beer in his left hand and gestured with his right. When Suspect Rosandez did this, the other males then began laughing.

Deputy Gallagher put the patrol car in reverse, straightened it out and drove westbound on Walnut Street towards Pacific Boulevard, stopping just east of the apartments front doorway. Simultaneously, as the deputies were approaching the location, Suspect Rosandez disappeared into the doorway. The deputies then got out of their car and went into the hallway of the apartment building with the intention of arresting Suspect Rosandez for drinking in a public place. The deputies walked down the entire length of the hallway and back again, but were unable to locate Suspect Rosandez.

Upon returning to the front of the apartment building, they told the remaining individuals who had been drinking on the front porch that they were in violation of the law and would have to stop their activity. Open containers were emptied and the men dispersed somewhat slowly. Those people who lived in the apartment building were told to go inside and those not residing there were told to go home. Most of the men entered the apartment building, some walking down the hall and others up the stairs. Suspect Oreyno was seen by Deputy Greene to walk west, away from the apartment building and then stop to talk with another individual who had just driven up to the residence, just west of the apartment building.

When deputies got into their patrol car, Deputy Greene observed Suspect Oreyno walk back to the front porch of the apartment building, while the others hung out of the upstairs window yelling at them and calling them names.

Deputies then left the location westbound on Walnut Street to Pacific Boulevard and then circled the block. When they again drove around to the front of the apartment building, Deputy Greene saw Suspect Rosandez peeking from the front doorway, then again run inside the location upon seeing the patrol car. Deputies drove past the location, then made a U-turn, coming back to the front of the apartment building. When they drove past the front door, Deputy Greene saw Suspect Rosandez standing at the south end of the hallway.

Deputies Greene and Gallagher made a plan to have Deputy Greene enter the apartment building from the rear (south) doorway, while

Deputy Gallagher would enter via the front (north) door, thereby prohibiting Suspect Rosandez from again eluding them.

Deputy Greene then got out of the patrol car, ran around the east side of the apartment building and entered through the rear door. Upon entering the apartment building, he observed a female adult and child standing in the open doorway of Apartment [redacted]. Suspect Rosandez was standing in the hallway near them. Deputy Greene approached Suspect Rosandez from behind, grabbed his arms and put them behind his back and told him he was under arrest. He started to walk Suspect Rosandez northbound down the hallway when he observed Deputy Gallagher enter the hallway through the front door. As Deputy Greene and Suspect Rosandez approached the area in front of Apartment [redacted], Deputy Greene managed to place one handcuff around the right wrist of Suspect Rosandez. When he put the handcuff on Suspect Rosandez' right wrist, the suspect started to immediately resist and pulled away from Deputy Greene, punching him in the chest with his left hand. Deputy Greene stumbled backwards a few steps and removed his sap from his pocket.

During this time, Deputy Gallagher had met up with his partner and Suspect Rosandez in the hallway. When Suspect Rosandez began to resist Deputy Greene's attempt to handcuff him, Deputy Gallagher also removed his sap from his pocket. Deputy Greene stated that during this time, Suspect Rosandez was swinging the loose handcuff at the deputies despite their continual demands to cease his activities. Deputies Greene and Gallagher hit Suspect Rosandez with their saps, but this only appeared to make him even angrier.

Deputy Greene then remembered hearing a door to an apartment open behind him (east). Deputy Greene's back was towards this door, but he remembers hearing a male state something in an aggressive Spanish voice. Deputy Greene felt this individual was not there to help them. Deputy Greene then saw his partner push this male, who was wearing a plaid shirt, back into Apartment [redacted]. When this was occurring, Suspect Rosandez was again attempting to stand up and continue fighting with Deputy Greene. The male Hispanic (later identified as Suspect Jose Rubalcava), who Deputy Gallagher had pushed back into Apartment [redacted], then lunged at Deputy Gallagher, grabbing his microphone cord and tearing it from his 480 radio. Deputy Gallagher told Deputy Greene to request assistance, via his radio, which he did.

Suspect Rosandez then stood up and ran between Deputies Greene and Gallagher. Suspect Rosandez grabbed the inner edge of the open north door frame (left side) of Apartment [redacted] and began talking in Spanish with the occupants inside of the apartment. Deputy [redacted] looked inside the apartment and saw five male Hispanics insi[redacted] room. Deputy Greene then saw Suspect Jose Rubalcava grab onto Suspect Rosandez and attempt to pull him into the apartment. Deputy Greene then grabbed onto Suspect Rosandez to keep him from being pulled into the apartment. Deputy Greene then observed Suspect Oreyno come to the aid of Suspect Jose Rubalcava, grabbing onto Deputy Greene's vest.

As a result of all this pulling on Suspect Rosandez, Suspects Jose Rubalcava and Oreyno managed to pull Suspect Rosandez into Apartment [redacted], along with Deputy Greene. When Deputy Greene got into the room, Suspect Jose Rubalcava slammed the front door behind him and locked it. The momentum of being pulled into the apartment caused Deputy Greene to be forced against the north

interior wall of the room. While Deputy Greene was in the room, Suspect Oreyno kicked him in the right side and hit him in the head with either his fist or opened hand. Deputy Greene also noticed that Suspect Antonio Rubalcaba approached him in a threatening manner from the kitchen, holding a large stick (Evidence Item #6).

While Deputy Greene was in the room struggling with the suspects, he heard his partner in the hallway scream, "Open the fucking door", then several large pounding sounds, like he was kicking the door. Shortly thereafter, Deputy Greene heard two gunshots coming from the hallway. Immediately after the two gunshots rang out, the suspects stopped advancing on him. He then saw Suspect Oreyno grab his right knee and Suspect Antonio Rubalcaba drop the stick.

Deputy Greene had now managed to remove his service weapon from his holster and told the suspects in Spanish to put their hands up (manos arriba). Deputy Gallagher had now made entry into the apartment to assist his partner. Even though the deputies had their service weapons drawn on the suspects, they appeared unconcerned about the seriousness of the situation and failed to comply with the deputies demands to put their hands up and quit moving around the apartment.

Deputy Greene indicated that shortly thereafter, assisting deputies arrived at their location and the suspects were taken into custody.

At 0305 hours, a tape-recording was made of Deputy Greene's statements which will be transcribed and become a permanent part of this file.

On 06-08-91 at 0345 hours, Investigators interviewed Deputy **LIAM GALLAGHER** at the Firestone Sheriff's Station. Deputy Gallagher stated that on 06-07-91, he was working P.M. shift in Unit #11 and his partner was Deputy Greene. Deputy Gallagher stated he was driving the vehicle and was in the area of Pacific Boulevard and Walnut Street conducting a narcotics investigation.

Deputy Gallagher observed several male Hispanics in front of the apartment building located at [redacted] Walnut Street, drinking and creating a disturbance. After completing the narcotics investigation, he returned to the apartment building to advise and warn them of their violation. At the time he drove up in front of the apartment building, one of these individuals, later identified as Suspect Rosandez, yelled, "Fuck you", and gave the deputy the finger as he ran into the apartment building. Deputy Gallagher advised the other individuals regarding drinking in public, littering and creating a disturbance. Deputy Gallagher added that this is a common complaint from citizens in the area that individuals drink in public, litter, urinate in public, and generally create a drunken disturbance. The individuals complied with his request and went inside the apartment unit.

Deputy Gallagher then drove around the block and returned to the apartment unit to see if the individuals were going to continue to comply with his warnings. As he approached the front of the building, he observed Suspect Rosandez in front of the building again, drinking from a bottle of beer. As patrol unit approached the front of the building, Suspect Rosandez ran back inside of the apartment building. Deputy Gallagher drove past the building



westbound to Pacific Boulevard and made a U-turn to return back to the building. Deputy Gallagher spoke with Deputy Greene about the actions of Suspect Rosandez. Deputy Gallagher was of the opinion that if Suspect Rosandez was allowed to continue the drinking in front of the building in defiance of their warning, it would only incite the others to ignore the deputies warning and continue the violation.

The deputies decided they would drive up to the front of the building and if they saw Suspect Rosandez, they would attempt to arrest him for the drinking in public violation. Deputy Greene would exit the vehicle and go to the rear of the apartment complex in order to enter the back door. Deputy Gallagher would then enter the front door in order to prevent the suspect's escape. Deputy Gallagher stopped the vehicle heading eastbound on Walnut Street, just east of the front door of the apartment building. Deputy Greene got out of the unit and went to the apartment's rear door. Deputy Gallagher then backed the patrol car up to where he could look south down the first floor hallway and observe when Deputy Greene was at the rear door. Deputy Gallagher observed Suspect Rosandez standing in the first floor hallway towards the rear or south portion of the hallway. Deputy Greene then entered the rear door and made contact with Suspect Rosandez. Deputy Gallagher entered the apartment front door and walked south down the hallway as Deputy Greene escorted Suspect Rosandez towards the front of the building. Deputy Gallagher met them just south of Apartment [redacted].

Deputy Greene started to place the handcuffs on Suspect Rosandez, advising him he was being detained for drinking in public. After placing the handcuff on Suspect Rosandez' right hand, Suspect Rosandez broke free of Deputy Greene's grasp and turned towards Deputy Greene striking him in the chest. Suspect Rosandez then backed up against the west wall of the hallway. He was swinging both of his arms, including the right arm with the loose handcuff, as the deputies were attempting to grab a hold of him again. Suspect Rosandez swung at both deputies as they attempted to regain control of him. Deputy Gallagher did not have his baton with him and pulled the sap out of his pocket. Deputy Gallagher struck Suspect Rosandez on his left arm and ordered him to stop fighting. Suspect Rosandez continued to swing at the officers and Deputy Gallagher struck him several more times on the arms, shoulders and side.

During this time, Deputy Gallagher repeatedly told him, stop fighting, and each time Suspect Rosandez would reply, "Fuck off." Suspect Rosandez then bent over in a crouched position, placing his arms in front of him, so they could not gain control of the cuffed arm. They then were able to force Suspect Rosandez to the ground, still struggling with him, trying to get his arms behind his back to cuff him. During this altercation, Deputy Gallagher believes that he hit Suspect Rosandez once or twice in the head with his sap, because Suspect Rosandez was moving rapidly trying to break free. Deputy Gallagher was trying to strike the suspect in the arms, shoulders and sides to stop him from fighting with them and regain control of his hands.

As the deputies had Suspect Rosandez on the floor, it appeared they were going to be able to overcome his resistance when Deputy Gallagher was pushed from behind. He turned and observed Suspect Jose Rubalcava standing in the open doorway to Apartment [redacted].



Deputy Gallagher could also see other males in the apartment behind Suspect Jose Rubalcava, moving towards the front door of the apartment. Suspect Jose Rubalcava was yelling in Spanish something about the deputies should leave Suspect Rosandez alone.

Suspect Jose Rubalcava started moving towards Deputy Gallagher and Deputy Gallagher pushed him back toward the apartment entrance, telling him to stay out of it, it was none of his business. Suspect Jose Rubalcava grabbed Deputy Gallagher's radio cord and ripped the cord and microphone from the deputy's shirt. This disabled the radio. Deputy Gallagher told Deputy Greene to use his radio to call for assistance. As Deputy Greene was requesting assistance and Deputy Gallagher was attempting to keep the males in Apartment [redacted] from coming out and getting involved, Suspect Rosandez got up and ran towards the apartment, grabbing a hold of the doorway frame. Suspect Rosandez was trying to pull himself into the apartment, with Deputy Greene holding onto him. Deputy Gallagher also had a hold of Suspect Rosandez by the back of his shirt collar. Suspects Jose Rubalcava and Mario Oreyno were now pulling on Suspect Rosandez trying to pull him into the apartment. There were perhaps one or two other persons from within the apartment involved, but Deputy Gallagher could only identify Suspects Jose Rubalcava and Mario Oreyno.

Thinking that if the deputies were to allow the suspect to be pulled into the apartment, the problem would only get worse with them and he would be able to escape through a rear exit or windows. It could also create a barricaded suspect situation.

Deputy Gallagher's grip on Suspect Rosandez broke lose and he fell backwards into the hallway. Suspects Jose Rubalcava and Mario Oreyno then pulled Suspect Rosandez and Deputy Greene inside the apartment. As Deputy Gallagher stepped forward to get a hold of Suspect Rosandez, the door was slammed shut.

Deputy Gallagher tried to open the door, but found it was locked. He yelled for them to open the door and could hear struggling going on inside the apartment. Fearing that his partner was being assaulted and perhaps disarmed, Deputy Gallagher kicked the door several times, without it opening. Knowing that the more time that elapsed, the greater the chance for injury to Deputy Greene or the possibility they would get his gun and kill him. This would also mean that he was entering the apartment to face possible armed suspects. Deputy Gallagher then took out his service weapon and standing to the south side of the door, fired two shots at the door lock in a downward direction. This was done in an attempt to free the lock, but to keep the bullets from entering the apartment interior where his partner was located.

After Deputy Gallagher fired the shots, he kicked the door and it opened. In the apartment, Deputy Gallagher observed Deputy Greene standing near the north wall with his service weapon out. Suspect Jose Rubalcava was just inside the front door and standing next to him was Suspect Rosandez. One of the other individuals in the apartment ran from the living room into the kitchen area. Suspect Mario Oreyno was standing near the windows on the east Wall. All suspects were still standing and appeared to be breathing hard and looking and acting in an aggressive manner. Deputy Gallagher pointed his gun at them, ordering them to "freeze." The suspects acted like nothing had ever happened and walked over to the sofas on the east and south wall and sat down. Deputy Greene was

telling them in Spanish, "Put up your hands and don't move." Suspects just sat there as if the deputies weren't even in the room. The deputies ordered the suspects to get face down on the floor and they refused and remained seated on the sofas.

Suspect Oreyno had a bullet wound to his right knee and Deputy Gallagher informed Deputy Greene to request assistance again and notify the units that they had been involved in a shooting. Two individuals were in the kitchen of the apartment and refused to come out. After the assisting units arrived, they found two more individuals in the bathroom. The people in the apartment still would not get faced down on the floor, even though they were being told in Spanish. Several had to be forced to the floor in order to pat them down for weapons and handcuff them. After this was accomplished, the assisting deputies took them all (eight suspects) out of the apartment.

Deputy Gallagher saw his microphone and cord laying on the floor just inside of the front door to the apartment and he left it there. Deputy Gallagher stated that he had his flashlight with him in his rear pocket, but it fell out in the hallway during the incident. Deputy Gallagher further stated that his baton was left in the radio car, as he does not carry it with him all of the time. Investigators were shown Deputy Gallagher's sap, which is described as being approximately 11 inches in length, covered with a black leather material, a Gonzales, Model 415.

Deputy Gallagher then gave Investigators his Department issued service weapon stating that it was the weapon he used to shoot the door lock. Investigators found it to be a Beretta, Model 92F, Serial #BER074111Z. The weapon had one live round in the chamber and 13 live rounds in the magazine. The ammunition was Department issued "Winchester", 9mm "Luger". Deputy Gallagher stated he had just obtained this ammunition from the range on 05-31-91.

At the conclusion of Deputy Gallagher's interview, a taped statement was taken at 0415 hours and will be transcribed and made a permanent part of this file.

On 06-08-91 at 0445 hours, Investigators interviewed [redacted] at the Firestone Sheriff's Station. Mr. [redacted] had been the civilian observer who had rode with Deputies Gallagher and Greene on the night of the incident. Mr. [redacted] stated after leaving the parking lot of Ramundo's Bar, he observed approximately nine Latino males drinking in front of [redacted] Walnut Street. One of the males "flipped off" the deputies and when the deputies drove up the apartment building, this individual ran inside the location and was unable to be located by the deputies. Deputies Gallagher and Greene then told the rest of the males, who had been drinking in front of the location, that the party was over. Opened containers of beer were emptied and the people were asked to move into the building. Mr. [redacted] indicated that, the individual later identified as Suspect Oreyno, was asked three to four times to leave the location, because he did not live there. This individual made obscene gestures at Mr. [redacted] while he ([redacted]) sat in the rear of the patrol car.

The deputies then drove around the block once and when they approached the apartment building again, he observed Suspect Rosandez in the doorway. As Deputies Gallagher and Greene passed by, Suspect Rosandez again ran into the apartment building. The

deputies then made a U-turn and went back to the apartment building. Deputy Greene got out of the patrol car and ran around to the back of the location and Deputy Gallagher positioned himself in a way that he could see his partner down the hallway. Deputy Gallagher then exited the patrol car, leaving Mr. [redacted] in the rear seat.

Mr. [redacted] stated from his vantage point, he was unable to see down the hallway of the apartment building. The next thing he heard were two gunshots. He thought the deputies had been shot and was going to break the window of the patrol car, so he could assist them. Before he could do that, assisting units arrived, let him out of the rear seat of the patrol car, then went to the aid of the fellow deputies.

Mr. [redacted] could add nothing further and the interview was terminated.

On 06-10-91, Investigator Gibson responded to the Sheriff's Criminalistics Laboratory. The blood sample obtained from Suspect Oreyno was received into evidence under receipt #H422897. The blood sample will be analyzed for blood alcohol level. Deputy Gallagher's service weapon was also left at the Firearms Section to be test-fired under receipt #H422046.

The facts of this case will be presented to the District Attorney, Huntington Park Office, for consideration of criminal complaints against the above suspects.

Investigation continuing with further reports to follow.

BY: SERGEANT DORAL RIGGS, #[redacted]
INVESTIGATOR JUDY GIBSON, [redacted]
APPROVED: LIEUTENANT DERRY BENEDICT
HOMICIDE BUREAU - DETECTIVE DIVISION

TALY/WPI